

Debtor(s) _____

**DISCLOSURE TO DEBTOR(S) OF ATTORNEYS FEE PROCEDURE
FOR CHAPTER 13 CASES IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

After consultation with the undersigned attorney, you have decided to file a petition for relief under Chapter 13 of the United States Bankruptcy Code. Accordingly, you are hereby given notice that pursuant to the local rules of the Bankruptcy Court, the base fee for a Chapter 13 case is established at \$_____. Payment of all or part of this fee is included in your payments to the Trustee. The attorney's services included in the base fee are those normally contemplated in a Chapter 13 case. They are as follows:

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| (a) Providing the pre-filing notices required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 | (f) Review of order confirming plan and periodic reports. |
| (b) Preparation and filing of your petition, schedules, supplemental local forms, Chapter 13 Plan, and mailing matrix. | (g) Review of Trustee's report of allowance of claims. |
| (c) Drafting and mailing notice to creditors advising of filing of case, including a copy of your Chapter 13 Plan. | (h) Maintaining custody and control of case files. |
| (d) Drafting and mailing to you a letter regarding your attendance at the Section 341 meeting and your other responsibilities. | (i) Service of orders on all affected parties. |
| (e) Preparation for and attendance at Section 341 meeting. | (j) Verification of your identity and social security number |
| | (k) Defending objections to confirmation of your Chapter 13 Plan filed by the Trustee. |
| | (l) Preparing and filing Local Form 8 and Local Form 9. |

The base fee shall also include the following services to the extent they are requested or reasonably necessary for your effective representation:

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| (a) Preparation and filing of proofs of claim on your behalf for your creditors. | circumstances and advising the Court and the Trustee of the same. |
| (b) Drafting and filing objections to scheduled and unscheduled proofs of claim. | (k) Communicating with you regarding payment defaults, insurance coverage, credit disability, and the like. |
| (c) Assumptions and rejections of unexpired leases and executory contracts. | (l) Obtaining and providing the Trustee with copies of documents relating to lien perfection issues. |
| (d) Preparation for and attendance at valuation hearings. | (m) Notifying creditors of entry of discharge. |
| (e) Motions to transfer venue. | (n) Notifying creditors by certified mail of alleged violations of the automatic stay. |
| (f) Consultation with you regarding obtaining postpetition credit (no motion filed). | (o) Drafting and mailing letters regarding voluntary turnover of property. |
| (g) Motions to avoid liens. | (p) Defense of objection to confirmation filed by any party other than the Trustee. |
| (h) Calculation of plan payment modifications (no motion filed). | (q) Review of documents in relation to the use or sale of collateral (no motion filed). |
| (i) Responding to written creditor contacts regarding plan terms, valuation of collateral, claim amounts, and the like. | (r) Providing you with a list of answers to frequently asked questions and other routine communications with you. |
| (j) Responding to your contacts regarding changes in your financial and personal | |

In some Chapter 13 cases, legal services which are beyond those normally contemplated must be performed. These legal services are not covered by the base fee. These "non-base" services include the following:

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| (a) Abandonment of property post-confirmation. | (i) Stay violation litigation, including amounts paid as fees by the creditor or other party. |
| (b) Motion for moratorium. | (j) Post-discharge injunction actions. |
| (c) Motion for authority to sell property. | (k) Adversary proceedings. |
| (d) Motion to modify plan. | (l) Wage garnishment orders. |
| (e) Motion to use cash collateral or to incur debt. | (m) Turnover adversaries. |
| (f) Defense of motion for relief from stay or co-debtor stay. | (n) Conversion to Chapter 7. |
| (g) Defense of motion to dismiss filed after confirmation of your plan. | (o) Motions to substitute collateral. |
| (h) Non-base fee requests. | (p) Any other matter not covered by the base fee. |

For such "non-base" services you will be charged on the basis of attorney's time expended at the rate of \$ _____ per hour plus the amount of expenses incurred (such as court fees, travel, long distance telephone, photocopying, postage, etc.). Such "non-base" fees are chargeable only after the same are approved by the Bankruptcy Court. Except as set forth below, before any such fees are charged you will receive a copy of my motion filed in the Court requesting approval of any such "non-base" fees as well as a notice explaining your opportunity to object if you do not agree with the fee applied for. Any fees awarded for "non-base" services will be paid to the undersigned attorney from your payments to the Trustee in the same way as payment of "base" fees. **It is possible that "non-base" fees approved by the Court may cause your payment to the Trustee to be increased, or the term of your Chapter 13 plan extended.** Whether or not a payment increase or an extension will be necessary depends upon the facts of your case. If a payment increase is necessary because of a court- approved "non-base" fee, the Trustee will notify you of the amount of the increase.

In the Court's discretion, a debtor's attorney in a Chapter 13 proceeding may request, in open court, and without any other notice, "non-base" fees for the following services in amounts not exceeding those shown below. Without other notice, the debtor's attorney may also request up to \$1.00 for each item noticed to creditors as expense for postage, copying, and envelopes. These fees may be adjusted (increased) by the Court at a later date, and, if so, those adjusted fees will then be charged.

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| (a) Defense of motion to dismiss | \$200 |
| (b) Motion to modify and order, including motion for moratorium | \$350 |
| (c) Substitution of collateral | \$450 |
| (d) Prosecution or defense of motion for relief from stay or co-debtor stay and order | \$450 |
| (e) Motion for authority to sell property and order | \$450 |
| (f) Motion to obtain credit | \$450 |
| (g) Permission from trustee to obtain credit, to be filed as an administrative proof of claim | \$200 |
| (h) Motion to continue or impose the automatic stay | \$350 |
| (i) When substitute legal counsel is retained by a Chapter 13 debtor, such substituted counsel is entitled to a presumptive base fee of \$500 without formal application to the Court, provided that the order allowing substitute counsel specifies both the amount of the fee and whether the fee is paid direct by the debtor or through the plan. | |
| (j) Objection to proof of claim of Real Property Creditor | \$450 |
| (k) Consent to an amended proof of claim in lieu of an objection to a motion to modify stay or to an amended proof of claim where the debtor has failed to pay post-petition payments | \$450 |
| (l) Motion to incur debt related to the approval of a loan modification with a real property creditor | \$450 |
| (m) Motion to declare mortgage current | \$450 |

ACKNOWLEDGMENT

I hereby certify that I have read this notice and that I have received a copy of this notice.

Dated: _____

Debtor's Signature

Dated: _____

Spouse's Signature

I hereby certify that I have reviewed this notice with the debtor(s) and that the debtor(s) have received a copy of this notice.

Dated: _____

Attorney

